

**REMARKS**

The present application includes claims 2-3, 8-14, 17-24, 27, 34-41, 43-45, 50-59, 146, 149, 151 and 154-163. Claims 158-163 are new. Claims 2 and 8 are currently being amended, for emphasis of the acts performed by the computer. These amendments do not change the scope of the claims as it was previously stated that the loudspeaker (claim 2) and the microphone (claim 8) belong to the computer. Claims 158-162 find support at least on page 32, lines 27-35. The term carrier in claim 163 finds support at least page 34, lines 31-32.

**Interview summary**

Applicant thanks the Examiner for the telephone interview between applicant's agent, Yaakov Schatz, and the Examiner on March 13, 2007. Applicant's agent pointed to the bi-directionality of claim 2, which is different from the one way transmission in August. The Examiner seemed to agree that this is not taught by the art, but requested a response in writing, which is provided hereinbelow.

The Examiner also expressed the concern that the claim would be anticipated by a simple voice conversation between two machines or between a human and a machine. Applicant's agent stated that the term "encoded with information" excludes such a possibility, since the term encode refers to overlaying data on a signal and not to speech signal which carries voice information. Dependent claims were added to further emphasize this difference. It was also agreed that claim 2 would be amended to emphasize that the task is performed by the computer.

Regarding claim 8, applicant's agent related to the signal not being overlaid on a human tangible signal. The Examiner seemed to agree but requested that the arguments be provided in writing.

**Independent claim 2**

Claims 2-3, 12-14, 27, 34-41, 43-45, 50-59, 146, 151 and 155-157 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. (US patent 6,182,044) in view of August et al. (US patent 6,389,055).

Claims 17-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. (US patent 5,764,900) in view of August et al. (US patent 6,389,055) and further in view of Foxlin (U.S. 6,176,837).

Applicant respectfully traverses the rejection and submits that the Examiner has not established a *prima facie* rejection since the cited references lack at least one limitation of the claim and the combination of the references would not provide the claimed invention.

Claim 2 requires transmitting from an electronic device at least one first acoustic signal, encoded with information, to a computer and transmitting to the electronic device, from the computer, at least a second acoustic signal, encoded with information, in response to the one first acoustic signal. As will now be explained, this two way communication between the computer and the electronic device is not taught or suggested by any of the cited art or combination thereof.

US patent 6,182,044 to Fong et al. relates to a system for analyzing a vocal performance and providing a singer with critique on his/her singing (abstract). The system receives an acoustic signal, not encoded with information, from a human and provides an output with an analysis. The analysis output can be provided as speech in an acoustic signal, which is not encoded with information (col. 4, lines 45-48 and 58-61, col. 7, lines 32-34) or could be provided in a text or graphic form (col. 4, line 40). In summary, Fong does not teach or suggest encoding acoustic signals with information but rather relates to human tangible acoustic signals.

US patent 6,389,055 to August et al. describes acoustic signals transmitted from a radio 106 to humans and additionally encoded with information directed to a computer 110 (col. 3, lines 10-20). August transmits encoded acoustic signals in only a single direction, from the radio to the computer. Nowhere in August is there suggested transmission of acoustic signals back to the radio.

Furthermore, August and Fong cannot be combined. The Examiner stated that incorporating the teachings of August into the method of Fong would maximize the utilization of the electronic device and improve efficient usage of the electronic device. The Examiner, however did not explain how the singer of Fong is expected to incorporate encoded information into his/her singing.

New dependent claims 158-161 emphasize the difference between encoded and unencoded signals in that they add requirements that only appear in encoded signals.

The dependent claims are allowable at least due to their parent claim. Nonetheless, at least some of the dependent claims add further patentability over the art.

Claim 155, for example, requires that the at least one ultrasonic signal comprises a stand alone signal not overlaid on a human tangible signal. The Examiner referred to Figs. 1 and 3-6 of

August as showing an ultrasonic signal not overlaid on a human tangible signal. The showing of separate beams in illustrating the human tangible signal and the ultrasonic signal, however, was for illustration purposes only, and the signals are actually overlaid on each other. This is clear from the fact that August uses the same reference number (20, 50) to represent both illustrated beams and from the text (col. 3, lines 1-5 and 12-14), which specifically states that the encoding is such that the effect of the data stream 16 on the audio signal is imperceptible or at least unobjectionable.

Claim 157 requires responding by the computer to the at least one first acoustic signal, as if the computer received an input from a pointing device or a touch screen. Explanation of the operation of the touch screen appears in the present application on page 25, line 27 – page 26, line 4. August, col. 6, lines 29-41, relates to transmission of information to a smart mouse device. August, however, does not suggest that the computer respond to acoustic signals from the mouse as it would relate to a touch screen, or in fact to relate to acoustic signals from the mouse at all.

**Independent claim 8**

Claims 8-11, 149 and 154 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sebestyen et al. (US patent 5,847,752) in view of August et al. (US patent 6,389,055).

Applicant respectfully traverses the rejection and submits that the Examiner has not established a *prima facie* rejection since the cited references lack at least one limitation of the claim and the combination of the references would not provide the claimed invention.

Claim 8 requires transmitting from a source at least one acoustic signal, encoded with information to a computer, wherein the at least one acoustic signal encoded with information comprises a stand alone signal not overlaid on a human tangible signal.

August, does not suggest that the encoded signal is a stand alone signal, as discussed above regarding claim 155.

Sebestyen does not relate to transmitting an acoustic signal, but rather relates to transmission between video-telephones and transmits RF modem signals over communication networks (col. 2, lines 20-21). Therefore, Sebestyen does not teach or suggest an acoustic signal which is a stand alone signal.

Thus, neither of the cited references teaches at least one limitation of claim 8 and therefore a *prima facie* case was not established.


Applicants further note that in view of the totally different fields of Sebestyen and August, it is not clear how their teachings can be combined.

The dependent claims are allowable at least by virtue of their parent claims.

**Conclusion**

In view of the above remarks, applicants submit that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,

  
Maier Fenster  
Reg. No. 41,016

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